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REMARKS

Claims 1-5, and 10 are amended. Claim 9 is cancelled. Claims 13-15 remain in the case.

In response to the formal objections the appropriate section headings in accordance with US Practice are added to the specification.

Claims 10-12 were rejected under 35 USC112, second paragraph. Independent claim 10 has now been amended to provide antecedent basis for the term "trim tab".

The Examiner rejected claim 10 as being anticipated by Wittmaier (US 5474013 A). The Examiner alleges that the limitation "for amphibious vehicle" has no patentable weight. Hence, the Examiner has concluded that the method of controlling a trim tab system for a marine only vessel anticipates the method recited in claim 10 for an amphibious vehicle.

The new proposed claim 10 now recites a method for controlling "an amphibious vehicle trim lab system". Wittmaier does not disclose an amphibious vehicle trim tab system, and therefore does not disclose a method for controlling such a system. Hence, it is submitted that Wittmaier does not anticipate the newly proposed claim 10.

The Examiner rejected claims 1-3, 6, 7 and 10 to 12 as being anticipated by Morash (US 4843991 A). The rejection of claims 1-3,6,7, and 10-12 is traversed.

Specifically, the Examiner argues that the term "trim tab" should be interpreted an any component capable of adjusting the inclination of a vehicle relative to its horizontal axis, and the marine propulsion device (3) fulfills this requirement and is therefore equivalent to a trim tab. This is an unreasonably broad interpretation of the term "trim tab".

The term "trim tab" is extremely well known in the field of marine vessels, to relate to hinged plates attached to the transom or planing capable vessels to keep the stem from "burying" when the vessel is run at a high speed. Trim tabs would by adjusting the flow of fluid over their surface in a manner similar to the operation of ailerons in aircraft. For the convenience of the Examiner, two identical

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with a further definition from a third source A3. The Examiner will note that all definitions come from websites related to marine vessels and as such, can be considered to be representative of a typical interpretation that a skilled person would place on the term "trim tab".

It is submitted therefore that a skilled person reading Morash would not identify the marine propulsion device (3) as being a "trim tab". The fact that the propulsion device (3) is used to steer the vessel is irrelevant.

Furthermore, even under the Examiner's own definition, the marine propulsion device (3) is not capable of adjusting the inclination of the vehicle relative to its horizontal axis by affecting the flow of water over its surface. It is clear from Figures 1 and 5, in particular, that the marine propulsion device (3) is very narrow compared to the width of the vehicle. Hence, it is inconceivable that the hinged rod to which the propeller is connected could have any significant effect on the trim of the vessel. Additionally, any negligible effect that the hinged rod did have would be negated by the propulsion force exerted by the propellor. The propellor may, of course, affect the trim of the vessel, but a propellor is not a trim tab in the same way that an aircraft propellor is not an aileron.

In summary, therefore, the feature (3) identified by the Examiner is not a trim tab and is in no way equivalent to one. The feature (3) is merely a retractable outboard drive from an inboard engine M (see Figure 5).

Trim tabs are exclusively used for planing vessels, because they are ineffective for displacement craft. The use of trim tabs on a hovercraft, such as that described in Morash, is undesirable because the effect of the trim tabs could lead to the craft's skirt either being lifted out of the water or being submerged, thereby disabling the cushion of air on which hovercraft rely.

The Examiner also equates the land propulsion device (4) to the "detecting means", recited in claim 1 as forming part of the control system. It is submitted that the Examiner is incorrect in this interpretation.

There appears to be no disclosure of the land propulsion means (4) being capable of detecting anything. There is certainly no disclosure of the land propulsion means forming part of a control system. The presence of detecting means

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can in no way be inferred or implied from the disclosure of Morash and, in the absence of such disclosure, it is assumed that all control is provided by the skill of the operator of the vehicle, rather than on any automated system.

In conclusion, therefore, it is submitted that the subject matter of claim 1, as it currently stands, is not anticipated by Morash, because Morash does not disclose a "trim tab" nor does it disclose an equivalent to a "trim tab". Furthermore, Morash does not disclose a control system including detecting means, or an equivalent to such a system.

It would not be obvious to include a "trim tab" in the vehicle disclose in Morash, because to do so would interfere with the correct operation of the air cushion upon which the craft of Morash relies.

Claim 1 is believed allowable. Dependent claims 2-8 and 10-12 are therefore also allowable. The Examiner indicated that claims 4, 5, and 8 were considered allowably if re-drafted in independent form. In accordance with this, claims 13 to 15 have been introduced. Claims 13 and 15 are independent and correspond to the subject matter of claims 4 and 8 respectively. Claim 14 is an independent claim and corresponds to the subject matter of original claim 5.

This amendment should place this case in condition for passing to issue. Such action is requested.

Respectfully submitted,

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(A1) <http://www.sailboatstuff.com/glossary.html>

Trim tab:

a tab device affixed to the lower units of some outboard motors that compensates for the torque produced by the propeller, sometimes made of magnesium to act as a sacrificial anode to help prevent corrosion,

a hinged plate attached to the transom of a powerboat to keep the stern from burying when the boat is run at high speed.

(A2) http://www.marinesurveyors.ie/safecraft_glossary.html

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A tab device affixed to the lower units of some outboard motors that compensates for the torque produced by the propeller, sometimes made of magnesium to act as a sacrificial anode to help prevent corrosion,

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(A3) <http://www.boats.com/content/boat-articles.jsp?contentid=1813>

Trim Tabs

Trim tabs are small, underwater metal plates attached to the back end of the hull. They act in the same fashion as ailerons on the wings or tail of an airplane. Trim tabs exist to make your boat run more comfortably in a variety of sea conditions as well as to compensate for ill-placed weight aboard.

When the tabs are adjusted downward, they channel water downward at the stern, pushing the bow of the boat down into the water. Tabs up allow the boat's bow to rise out of the water. With only one tab down, the leans (heels) to the opposite side of the adjusted tab.

APPENDIX